

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

De'Shawn H. Brownlee,	)	Case No.: 8:22-cv-00299-JD
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>OPINION &amp; ORDER</b>
Juvan Chau, Kendall L. Cash, Adam J.	)	
Fredrick, Yates Brown Jr., Samuel Mathew	)	
Lollis,	)	
	)	
Defendants.	)	
	)	

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This matter is before the Court with the Report and Recommendation of United States Magistrate Kevin F. McDonald (“Report and Recommendation” or “Report”) (DE 15), made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.<sup>1</sup> Plaintiff De'Shawn H. Brownlee (“Brownlee” or “Plaintiff”), proceeding *pro se* and *in forma pauperis*, seeks damages based on alleged civil rights violations pursuant to 42 U.S.C. § 1983, which arise out of the alleged conflict of interest of Defendant Juvan Chau and others in the investigation and handling of Plaintiff’s underlying criminal matter. (DE 1.) Plaintiff also filed a motion for preliminary injunction, largely restating the allegations in the Plaintiff’s Complaint. (DE 11.)

The Report and Recommendation sets forth the relevant facts and legal standards, which this Court incorporates herein without a full recitation. On March 17, 2022, the magistrate judge

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

issued the Report (DE 15), recommending that Plaintiff's Complaint be dismissed and Plaintiff's preliminary injunction be denied because the "action is duplicative of prior litigation in this court, the plaintiff may not seek release from prison in this action, and the court should abstain from interfering in his pending criminal charges under *Younger*." (DE 15, p. 11.)

Plaintiff filed an Objection to the Report on March 29, 2022. (DE 17.) However, to be actionable, objections to a report and recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n. 4 (4th Cir. 1984). "The Supreme Court has expressly upheld the validity of such a waiver rule, explaining that 'the filing of objections to a magistrate's report enables the district judge to focus attention on those issues -- factual and legal -- *that are at the heart of the parties' dispute*.'" Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (2005) (citing Thomas v. Arn, 474 U.S. 140 (1985) (emphasis added)). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the Court finds that Plaintiff's objections are non-specific, unrelated to the dispositive and/or at the heart of disputed portions of the Report and Recommendation, or merely restate his arguments. Therefore, this Court overrules Plaintiff's objection.

Accordingly, after a thorough review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein.

It is, therefore, **ORDERED** that Plaintiff's Complaint (DE 1) is dismissed without prejudice and without issuance and service of process, and the Plaintiff's motion for preliminary

injunction (DE 11) is **DENIED**. Furthermore, this action is designated a “strike” pursuant to 28 U.S.C. § 1915(g).

**IT IS SO ORDERED.**

s/Joseph Dawson, III  
Joseph Dawson, III  
United States District Judge

Greenville, South Carolina  
August 8, 2022

**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.